

**BELLE PLAINE CITY COUNCIL
RESOLUTION 17-020**

**ESTABLISHING A POLICY REGARDING A LIMITED PUBLIC FORUM IN
VETERANS MEMORIAL PARK**

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the City Council (the "Council") adopted Resolution 09-74 Approving A Concept Plan for Veterans Park on August 3, 2009; and

WHEREAS, a stone monument is located on the grounds of the park, constructed on public land, listing the names of Belle Plaine residents who gave their lives in service to their country in wars from the Indian War of 1812 through the Vietnam War; and

WHEREAS, the Council wishes to allow private parties access to Veterans Memorial Park for the purpose of erecting displays in keeping with the purpose of honoring and memorializing veterans; and

WHEREAS, the Council now desires to adopt this formal, written policy to codify the procedure for private parties to recognize, honor, and memorialize veterans by erecting displays at Veterans Memorial Park; and

WHEREAS, the Supreme Court of the United States has found that governmental entities are permitted to establish limited public forums permitting restrictions on speech that are reasonable in view of the purposes of the forum. See, e.g., *Capitol Square Rev. and Advisory Bd. v. Pinette*, 515 U.S. 753 (1995); and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Minnesota Constitutions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota, that the following written policy regarding Veterans Memorial Park is hereby adopted, to wit:

1. The City designates a limited public forum in Veterans Memorial Park for the express purpose of allowing individuals or organizations to erect and maintain privately owned displays that honor and memorialize living or deceased veterans, branch of military and Veterans organizations affiliated with Belle Plaine. This is an amendment to the concept plan approved on August 4, 2009.
2. Definitions. The following terms have the meanings attributed to them in this paragraph.
 - a. "Veterans' Organization" is any organization whose purposes include providing support or benefits to veterans, their dependents, or their families.
 - b. "Branch of Military" refers to Army, Navy, Marines, Air Force, Coast Guard, National Guard, Reserves and any other designated armed services of the United States of America.
3. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The fee for the application shall be set at \$100 for 2017. Starting in 2018, this fee shall be included in the City's Fee Schedule as set annually by Council resolution.

The application fee shall not be pro-rated and is non-refundable. The application must include a description of the display, including its dimensions and construction materials.

4. The area for the limited public forum shall be that portion of Veterans Memorial Park that lies to the South of the Veterans Park Landscaping Sign. The area shall be 84 feet by 42 feet with lines parallel to the southernmost portion of the Veterans Park Landscaping Sign outer edge. No display may be placed within seven feet from any edge of the Veterans Park Landscaping sign, the edge of a paved pathway, or any other memorial or display. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The application must include a description of the display, including its dimensions and construction materials. No display may be installed without first obtaining a permit from the City.
5. The City shall approve in writing and grant a permit to any party requesting to erect a display if and only if the display conforms to the following requirements, except that the City shall not allow more than ten (10) displays in the limited public forum at any given time:
 - a. Displays must be no larger than three feet wide by two feet deep by three feet tall.
 - b. Displays must be constructed of stone, concrete, metal, or some combination thereof.
 - c. Displays must serve the purpose of honoring and memorializing living or deceased veterans, military branch or Veterans organization affiliated with Belle Plaine, Minnesota.
 - d. Displays must be respectful and conform to Statues and City Code pertaining to public nuisance and decency.
6. The City shall process requests in the order that they are received.
7. Displays must be removed within a period of one (1) year from the date of approval. Prior to the expiration of the display period, the owner of the display may apply for another permit to display in the limited public forum. Such application will be treated the same as any other application, without any preference given.
8. It shall be the responsibility of the requesting party to erect the display upon approval from the City and to keep the display in good repair at all times.
9. The requesting party and not the City shall own any display erected in the limited public forum. The display must have liability coverage of \$1,000,000, as per city procedure, which coverage must list the City as an additional insured. A copy of the policy must be provided to the City prior to installation of the display.
10. In the event of damage to a display, or if a display is in a state of disrepair, the City Administrator will give the owner of the display notice of said damage or disrepair and require the owner to repair the display within 30 days. If the owner fails to repair the display within the notice period, the City Administrator will order removal of the display.
11. Displays constitute the speech of the individual or organization erecting the display and not the speech of the City.

12. The City shall erect a prominent disclaimer near or inside the limited public forum stating as follows: "The City of Belle Plaine has designated this area of Veterans Memorial Park a limited public forum, in order to accommodate privately owned displays that honor and memorialize veterans. Displays constitute the speech of the owners of the display, and not the City. The City does not endorse any speech, message or display herein."
13. In the event the City desires to close the limited public forum or rescind this policy, the City, through its City Administrator, may terminate all permits by giving ten (10) days' written notice of termination to Owner, within which period the owner must remove their display from city property.

The adoption of the foregoing resolution was duly moved by Mayor Meyer, and seconded by Councilmember Stier, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Meyer, Stier and McDaniel. Councilmember Chard was not present.

and the following voted against the same: Coop.

Whereupon said resolution was declared duly passed and adopted. Dated this 21st day of February, 2017.

ATTEST:

Christopher G. Meyer
Mayor

Michael J. Votca
City Administrator



March 29, 2017

Reason Alliance Ltd.
c/o The Satanic Temple
64 Bridge Street
Salem, MA 01970

RE: Veterans Memorial Park Display Permit

Mr. Mesner:

The City of Belle Plaine has approved your request for a permit to emplace a display within the Limited Public Forum at Veterans Memorial Park. As a reminder, the display must be placed by the owner of the display under the supervision of the public works department. The limited public forum area will be fully marked by April 3, 2017. Once the area is marked, we will be ready to supervise placement. Please make contact with me via e-mail at mvtca@ci.belleplaine.mn.us or by phone at (952) 873-5553 to arrange a time for placement. All displays must be marked with a visible name of the owner and the permit number. Your permit number is LPF 17-02. This permit is good for one year from the date of this letter. You may reapply to place another display once the display under this permit is removed. Please contact me if you have any questions.

Best regards,

Michael J. Votca
City Administrator

Enclosures

Original Payment

Act Year	Batch Name	Act Code	Dr/Cr Amt	Tran Date	Refer	Check/Receipt Date	Comments
2017	POS 030717	101-000000-036250	(\$100.00)	3/6/2017	142929	3/6/2017	LPF 17-02; LIMITED PUBLIC FORUM MONUMENT - REASON ALLIANCE LTD

Not wanted

Exhibit "2"
TST v. City of Belle Plaine



City of Belle Plaine Phone: 952-873-5553 Fee: \$100.00
218 N. Meridian Street Fax: 952-873-5509
P.O. Box 129
Belle Plaine, MN 56011

PERMIT # LPF 17-02

Veterans Memorial Park Display Permit Application

Date: February 23, 2017

Applicant Individual or Organizations Name: Reason Alliance Ltd.

Address: c/o The Satanic Temple 64 Bridge Street City: Salem

State: MA Zip Code: 01970 Phone: 617-863-6660

E-mail: Info@thesatanictemple.com

Description of Display Dimensions: Height: 36 inches Width: 23 inches Length: 23 inches

Construction Materials: Steel

General Description of display: Black steel cube with embossed inverted pentagrams with inlaid gold on four sides. An inverted helmet rests on the top of the cube. A plaque on one side of the cube reads: "In honor of Belle Plaine veterans who fought to defend the United States and its Constitution"

Please include a drawing or picture of the display.

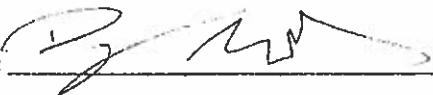
Intended Veteran, Branch of Military, or Veterans Organization honored by display: All Belle Plaine veterans

If this display request is intended to honor and memorialize a veteran or veterans' organization associated with Belle Plaine, please provide a description of the association to Belle Plaine and documentation regarding veteran status. All Belle Plaine veterans are explicitly honored.

Douglas Mesner

I ~~hereby affirm that I will comply with the Limited Public Forum Policy of the City of Belle Plaine, Minnesota, that any display that is erected upon approval of this permit is my property and constitutes speech of myself or my organization and not that of the City of Belle Plaine, and that I will indemnify the City against any and all claims, demands or liabilities arising from the issuance of this permit, or performance of or failure to perform in accordance with the Limited Public Forum Policy.~~

Applicant Signature:



Date: 2/23/17

STATE OF NEW YORK

COUNTY OF BRONX

This instrument was acknowledged before me on 23rd day of February, 2017 by

Douglas Mesner


***Notary Public

My Commission Expires: 7/20/17

CEVIN SOLING
NOTARY PUBLIC-STATE OF NEW YORK
#1506209140
Qualified In Bronx County
My Commission Expires July 20, 2017

****Notary Stamp

FOR OFFICE USE ONLY

APPROVAL OF PERMIT

Approved on this 27th day of March, 2017


City Administrator

Application Fee Paid

Copy of Certificate of Liability Insurance Provided

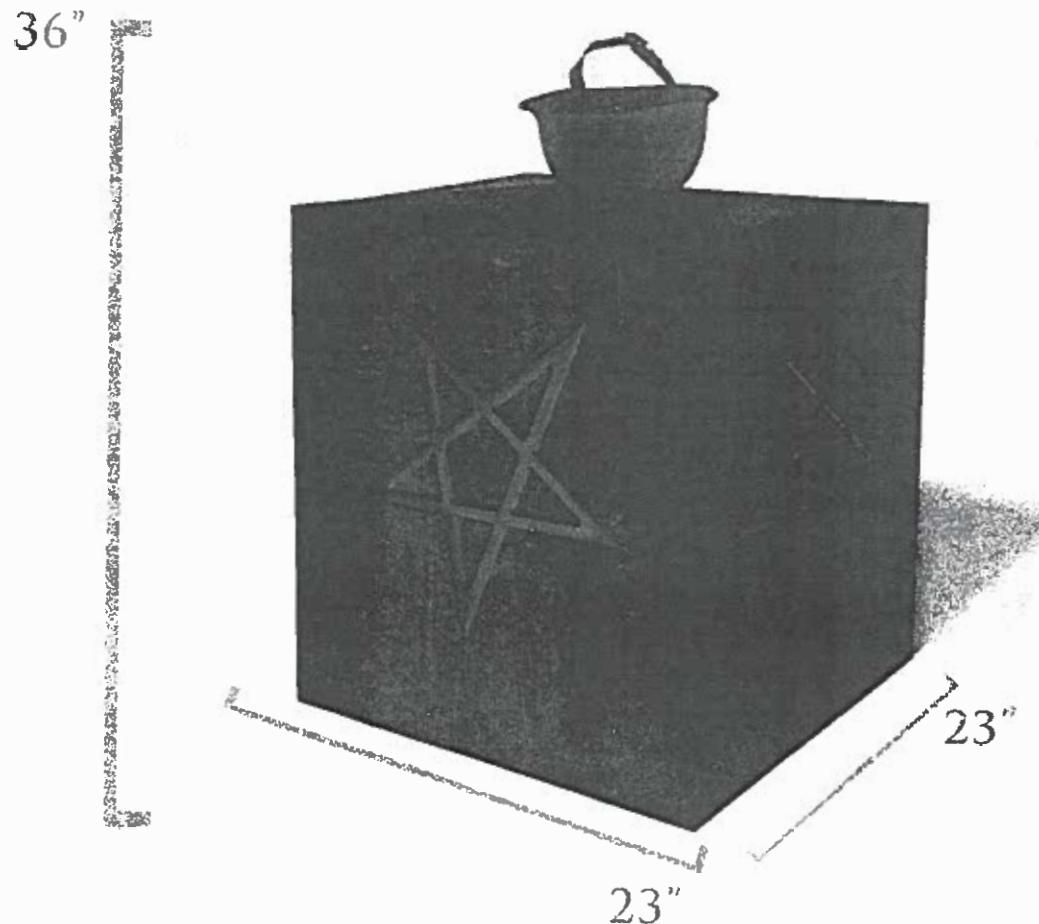
Concept sketch or drawing of display

Copy mailed to applicant on 29 March 2017

TST VETERANS MEMORIAL

VETERANS MEMORIAL PARK
BELLE PLAINE, MINNESOTA

BLACK STEEL RECTANGLE WITH EMBOSSED INVERTED
PISTOLGRAMS WITH INLAID GOLD ON FOUR SIDES
INVERTED HELMET IN BLACK STEEL



COPYRIGHT CANOPES

Exhibit "3"
TST v. City of Belle Plaine



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/28/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
MURRAY INSURANCE SERVICES
591 Sugar Road #2
Bolton, MA 01740

MA 01740

CONTACT NAME: Ron Murray	FAX (AC. No.): (408)272-9543
PHONE (AC. No. Ext): (408)272-7881	E-MAIL ADDRESS: ronaldimurray@gmail.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Philadelphia Insurance Company	NAIC #
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED

Reason Alliance, Ltd
519 Somerville Ave #288
Somerville, MA 02143

MA 02143

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD WVD	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
X	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ex. Occupancy) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	I CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		Y	PHPK1557167	09/27/16	09/27/17	COMBINED SINGLE LIMIT (Ex accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
	OTHER:						
	AUTOMOBILE LIABILITY						
	ANY AUTO OWNED AUTOS ONLY Hired AUTOS ONLY		SCHEDULED AUTOS NON-OWNED AUTOS ONLY				
	UMBRILLA LIAB		CCUR				EACH OCCURRENCE \$ AGGREGATE \$ \$
	EXCESS LIAB		CLAIMS-MADE				
	DED		RETENTION S				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A				PER STATUTE OTH. E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						
A	Abuse & Molestation	Y		PHPK1557167	09/27/16	09/27/17	Per Occurrence \$ 1,000,000 Aggregate \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is also Named as Additional Insured.

CERTIFICATE HOLDER

CANCELLATION

City of Belle Plaine 218 North Meridian St PO Box 129 Belle Plaine, MN 56011	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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BELLE PLAINE CITY COUNCIL
RESOLUTION 17-090

RESCINDING THE POLICY AND ELIMINATING THE LIMITED PUBLIC FORUM
IN VETERANS MEMORIAL PARK

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the Park memorializes and honors resident veterans killed in service to their country in foreign wars from the Spanish American War through the Vietnam War; and

WHEREAS, the City Council (the "Council") adopted Resolution 17-020 on February 21, 2017 to establish a limited public forum in the Park to permit private memorials or displays expressing views in keeping with the Park's purpose; and

WHEREAS, the Resolution established a policy governing placement of memorials or displays in the Park and requiring application for a permit allowing such placement for 1-year; and

WHEREAS, the City Council has determined that allowing privately-owned memorials or displays in its Park no longer meets the intent or purpose of the Park; and

WHEREAS, the City Council has also determined that the continuation of the limited public forum may encourage vandalism in the Park, reduce the safety, serenity, and decorum of the Park, unnecessarily burden City staff and law enforcement, and negatively impact the public's health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota:

1. The policy established in Resolution 17-020 is rescinded and the limited public forum established in the Park is hereby eliminated. Private displays or memorials placed in the Park shall be removed within a reasonable period by the owner thereof or, upon notice to such owner, or they will be deemed abandoned and removed by the City.
2. All application fees paid for permits to place a memorial or display in the Park will be reimbursed to the applicant.
3. City staff is directed to take such other steps or actions necessary to implement this Resolution.

The adoption of the foregoing Resolution was duly moved by Councilmember Coop and seconded by Councilmember McDaniel, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Coop, McDaniel, Chard, Meyer and Stier.

and the following voted against: None.

Whereupon said Resolution was declared duly passed and adopted.

Dated this 17th day of July, 2017.



Christopher G. Meyer
Mayor

ATTEST:


Dawn Meyer
Interim City Administrator

7/19/17

mailed w/
check



July 18, 2017

Reason Alliance LTD
C/O The Satanic Temple
64 Bridge Street
Salem, MA 01970

Re: Veteran's Memorial Park ("Park")

Dear Sir/Madam:

Last evening, the City Council adopted Resolution No. 17-090 eliminating the limited public forum that had previously been established in the Park. A copy of the Resolution is enclosed. Also enclosed is a check in the amount of \$100.00 to fully reimburse the fee your organization paid to apply for a permit to locate a memorial in the Park.

Please contact me with any questions.

Very truly yours

Dawn Meyer
Interim City Administrator

7/19/17
mailed w/
(check)

218 North Meridian Street, P.O. Box 129 • Belle Plaine, Minnesota 56011-0129 • 952-873-5553 Fax 952-873-5509
503800V1 BE200-185 www.belleplainemn.com

AN EQUAL OPPORTUNITY EMPLOYER

Exhibit "5"
TST v. City of Belle Plaine